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## PURPOSE

The Michigan Department of Health and Human Services (MDHHS) requires that a youth be free from restraint of any form in a child caring institution (CCI) imposed as a means of coercion, control, discipline, convenience or retaliation by staff and that restraint must only be used in limited situations as allowable in the [emergency rules](#).

A goal of MDHHS is to prevent the use of restraints in all CCI settings. CCIs should decrease and ultimately eliminate restraint use and increase trauma responsive practices. Each CCI must develop policies and procedures for implementation of this policy item, and make them available to all youth, their families, and referring agencies.

The purpose of this item is to provide clear guidelines for the limited use of restraints and seclusion in compliance with federal and state laws/rules, improve safety and care of youth in CCIs, and accurately track incidents involving restraints.

## DEFINITIONS

### ***Chemical Restraint***

A drug that meets all of the following criteria, MCL 722.112b(1)(b):

- Is administered to manage a youth's behavior in a way that reduces the safety risk to the youth or others.
- Has the temporary effect of restricting the youth's freedom of movement.
- Is not a standard treatment for the youth's medical or psychiatric condition.

### ***Therapeutic Intervention***

Professionally recognized strategies which are intended to recognize the early signs of impending dangerous behaviors, to identify and ameliorate the cause(s) of such behaviors and to utilize de-escalation techniques to minimize the consequences of a youth's potentially harmful behavior.

***Mechanical Restraint***

A device attached or adjacent to the youth's body that the youth cannot easily remove and restricts freedom of movement or normal access to the youth's body. Mechanical restraint does not include the use of a protective or adaptive device, or a device primarily intended to provide anatomical support. Mechanical restraint does not include use of a mechanical device to ensure security precautions appropriate to the condition and circumstances of a youth placed in the child caring institution as a result of an order of the family division of circuit court under section 2(a) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2. MCL 722.112b(1)(g).

***Personal Restraint***

Per MCL 722.112b(1)(h), the use of physical force without the use of a device, for the purpose of restraining the free movement of the youth's body. Personal restraint does not include:

- The use of a protective or adaptive device.
- Briefly holding the youth without undue force in order to calm or comfort him or her.
- Holding a youth's hand, wrist, shoulder or arm to safely escort him or her from one area to another.
- The use of a protective or adaptive device or a device primarily intended to provide anatomical support.

Also referred to as "resident restraint". Mich Admin Code, R 400.4159(2).

***Protective Device***

A mechanical device or physical barrier to prevent the youth from causing serious self-injury associated with documented and frequent incidents of the behavior. A protective device incorporated into the youth's treatment plan shall not be considered a restraint. MCL 722.112b(1)(i). For example, a cranial helmet to protect the skull from self-injurious head banging.

***Trauma Responsive***

Recognizes that youth receiving services in a CCI may have experienced complex trauma, which can significantly harm

individual and familial development. The CCI must implement trauma responsive practices, including:

- Referring or providing clinical trauma assessments, as necessary.
- Collaborating with mental health providers to link children to evidence-based and supported trauma services.
- Developing resiliency-based case plans and recognizing the necessity of building workforce resiliency both at the individual staff and organizational levels.

See [JRG, JJ Residential Glossary](#).

## RESPONSIBLE STAFF

Facility director and designated staff authorized and trained in the use of MDHHS approved de-escalation and restraint methods for youth in state run and private, contracted juvenile justice residential treatment facilities.

Responsible staff also include medical and other designated staff trained to conduct the post-restraint examination of a youth who was restrained.

## GENERAL GUIDANCE

The facility director and/or designee(s) is responsible for developing and implementing a written procedure for youth restraint. This procedure must contain the following requirements of Mich Admin Code, Emergency Rule 2/R 400.4159(6)(b):

- Provision of sufficient and adequate training for all staff members who may use or order the use of restraint. See [JRM 170, Staff Development and Training](#) for training requirements.
- Recording restraints as an incident. Mich Admin Code, R 400.4159(6)(c)/Emergency Rule 2(c) & (d). This must be done in *MiSACWIS Incident Reports*, see [JRM 530, Incident Reports](#) for more information.

Per Emergency CCI Rules 3(1), facility staff may only restrain a youth to prevent serious injury to the youth, self-injury or injury to others.

Per Mich Admin Code, R 400.4159(8)(a)-(c)/Emergency Rule 3(2), facility staff may not use:

- Noxious substances.
- Instruments causing temporary incapacitation.
- Chemical restraint.

Restraint may never be used as a means of punishment, discipline or as retaliation by facility staff. Mich Admin Code, R 400.4159(9)/Emergency Rule 3(3).

The use of a restraint chair is prohibited. Mich Admin Code, R 400.4159(10)/Emergency Rule 3(4).

Youth restraint must be performed in a manner that is safe, appropriate and proportionate to the youth's characteristics in accordance with Mich Admin Code, R 400.4159(2)/Emergency Rule 1(2):

- Severity of the youth's behavior.
- Chronological and developmental age.
- Size.
- Gender.
- Physical condition.
- Medical condition.
- Psychiatric condition.
- Personal history, including any history of trauma.
- Consistent with the youth's treatment plan.

### **Restraint of Pregnant Youth**

Pregnant youth, including youth who are in labor, delivery and postpartum recovery must not be restrained unless one of the exceptions listed in 34 USC 11133 and Mich Admin Code, R 400.4159(3)-(5), exist:

- Reasonable grounds to believe the youth presents an immediate and serious threat of hurting self, staff or others.
- Reasonable grounds to believe the youth presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method.

34 USC 11133 and Mich Admin Code, R 400.4159(3)-(5), prohibit restraints on pregnant youth, including:

## PERSONAL RESTRAINT

- Abdominal restraints.
- Leg and ankle restraints.
- Wrist restraints behind the back.
- Four-point restraints.

Staff directing and applying restraints must be properly trained in MDHHS approved de-escalation and restraint techniques. Mich Admin Code, R 400.4128(5). See [JRM 170, Staff Development & Training](#) for more information.

Personal restraint must always be preceded by and associated with efforts to use less restrictive therapeutic intervention. Length of the restraint must be **minimized**. Approval of a supervisor must be obtained when the restraint lasts more than 20 minutes. Mich Admin Code, R 400.4159(11).

Youth must be released from personal restraint whenever the circumstance that justified the use of personal restraint no longer exists. MCL 722.112e(1).

Facility staff trained in the use of personal restraint must continually assess and monitor the physical and psychological well-being of the youth and the safe use of personal restraint throughout the duration of its implementation. MCL 722.112e(5).

Pursuant to MCL 722.112e(9), after a youth is placed in a personal restraint, designated facility staff must make appropriate notifications. See [JRM 510, Reporting Unusual Incidents](#), *Restraint and Seclusion Notifications* section, for detailed notification requirements.

## MECHANICAL RESTRAINT Therapeutic De- Escalation

Staff must use non-coercive therapeutic intervention strategies as outlined in the facility approved crisis intervention continuum to de-escalate a youth and prevent use of mechanical restraints.

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**Criteria for Use of  
Mechanical  
Restraint**

Staff must obtain approval from the facility director or designee prior to any use of material or mechanical restraints. Mich Admin Code, R 400.4159(12)/Emergency Rule 2(4).

Restraint may only be used for the minimum time necessary. Emergency Rule 4(1).

The use of a restraint chair is prohibited. Mich Admin Code, R 400.4159(10)/Emergency Rule 3(4).

A supervisor must approve in writing any mechanical restraint lasting more than 20 minutes. Mich Admin Code, R 400.4159(11). There must be approval for each 20-minute interval thereafter. If mechanical restraint duration exceeds 90 minutes, the facility director or designee must be notified immediately.

**Note:** The use of mechanical restraints is not authorized in non-secure facilities. See also limitations on the use of mechanical restraints with pregnant youth in this item.

**Approved  
Mechanical  
Restraint Devices**

The director of Juvenile Justice Programs must approve all mechanical restraint devices used by facility personnel at least every three years. Effective December 1, 2010, the following are the only approved mechanical restraint devices:

- Handcuffs.
- Leg shackles.
- Leg braces.
- Leather restraints (legs and hands).
- Polypropylene (cloth) arm and leg restraints.
- Belly/waist chains.
- Cranial helmet.
- Anti-mutilation gloves.
- Restraint blankets.
- Spit shields.

**Note:** Plastic shields and associated gear used as protection by staff in restraint situations are not restraint devices but are approved for use as directed by the facility director.

## Training

All direct care staff must satisfactorily complete the crisis intervention continuum and mechanical restraint training prior to supervising youth alone. For more information on training requirements and documentation; see [JRM 170, Staff Development and Training](#).

## Monitoring

Staff must directly supervise any youth in mechanical restraints at all times and must remain in close enough proximity to the restraint to intervene immediately in case of emergency to protect the safety of the youth. Mich Admin Code, R 400.4159(12)/Emergency Rule 4(2).

When moving a youth from place to place, staff must remain alert to trip and fall hazards and guide the restrained youth accordingly.

Video monitoring of a youth in mechanical restraints may supplement but may not replace direct staff supervision.

## Maintenance Requirements

Facility written procedures must define cleaning, maintenance, inventory, and storage requirements for mechanical restraint devices.

## POST RESTRAINT REVIEW

Following a restraint, staff must take the following actions:

- Medical staff must conduct a visual examination of each youth restrained. When medical staff is unavailable, the on-duty supervisor must conduct the visual examination. The examination results must be documented in the MiSACWIS Incident Report and include the following information:
  - The full name and title of the person conducting the examination.
  - The results of the examination.

- Provide first aid and/or seek immediate medical attention for injuries received. Staff must document injuries received and first aid/medical treatment provided in the MiSACWIS Incident Report.
- Remind each youth who is restrained of their right to file a grievance and provide a grievance form as needed. For more information on the grievance process; see [JRM 213, Youth and Family Grievances](#).

If a mechanical restraint was used, the following must also occur:

- A visual examination of any youth restrained within 15 minutes of the removal of restraints by supervisor. The results of the examination must be documented in the MiSACWIS Incident Report. See first bullet point in this section for information to include.

## DOCUMENTATION

Following a personal or mechanical restraint, staff must complete an incident report. Emergency Rule 2(c) & (d). See [JRM 530 Incident Reports](#) for more information on content and timeframes.

## LEGAL BASIS

### Federal

**Juvenile Justice and Delinquency Prevention Act, 34 USC 11133.**

Provides restrictions on restraining pregnant youth.

### State

**Child Care Organizations Act, 1973 PA 116, MCL 722.112b(1)(f)-(i).**

Provides the definition for licensed practitioner, mechanical restraint, personal restraint and protective device.

**Child Care Organizations Act, 1973 PA 116, MCL 722.112e(1).**

Requires facility to release a youth from personal restraint when the circumstance that justified the use of personal restraint no longer exists.

**Child Care Organizations Act, 1973 PA 116, MCL 722.112e(4) & (5).**



Requires facility staff to document the use of a personal restraint in the youth's case file, when to complete the documentation and what to include in the documentation. Also requires facility staff trained in the use of personal restraint to continually assess and monitor the physical and psychological well-being of the youth and safe use of personal restraint throughout the duration of its implementation.

**Foster Care and Adoption Services Act, 1994 PA 203, MCL 722.958b(3)(h).**

Requires residential staff to complete an incident report when a youth has been restrained.

**Michigan  
Administrative  
Code**

**Child Caring Institutions Rules, Mich Admin Code, R 400.4159.**

Limits restraint of pregnant youth. Provides requirements on establishing policy and procedure around youth restraint, distribution of the policy and procedure and documentation.

**Emergency Rules of the Department of Health and Human Services entitled "Prohibition of Prone Restraint; Procedures Involving Other Restraints in Child Caring Institutions", 2020 Mich Reg 14 (August 15, 2020), p 206.**

**POLICY CONTACT**

Facility supervisors or managers may submit policy clarification questions to: [Juvenile-Justice-Policy@michigan.gov](mailto:Juvenile-Justice-Policy@michigan.gov).